



Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number:  
P.C.: 3/17/03      Item: 3.f.

File Number:  
GP03-03-06 and GPT03-03-06

Council District and SNI Area:  
3 – 13<sup>th</sup> Street

Major Thoroughfares Map Number:  
83

Assessor's Parcel Number(s):  
Various

Project Manager: Britta Buys

## GENERAL PLAN REPORT

2003 Spring Hearing

### PROJECT DESCRIPTION:

General Plan Amendment request to change the Land Use/Transportation Diagram to add a Neighborhood Business District (NBD) Overlay designation on a 14.2-acre site along N. 13<sup>th</sup> Street, and an associated text amendment to make minor modifications to the NBD Overlay designation.

**LOCATION:** Both sides of 13<sup>th</sup> Street between Jackson and Hedding Streets

**ACREAGE:** 14.2

### APPLICANT/OWNER:

City of San Jose

### GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Mixed Use with No Underlying Land Use Designation

Proposed Designation: Mixed Use with No Underlying Land Use Designation with a Neighborhood Business District Overlay

**EXISTING ZONING DISTRICT(S):** CN Commercial Neighborhood and CP Commercial Pedestrian

### SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Industrial and Commercial uses – Light Industrial

South: Auto and Commercial, and Residential – Medium Low Density Residential (8 DU/AC)

East: Residential – Medium Low Density Residential (8 DU/AC)

West: Residential – Medium Low Density Residential (8 DU/AC)

### ENVIRONMENTAL REVIEW STATUS:

San Jose 2020 General Plan Environmental Impact Report, adopted by City Council Resolution No. 65459 on August 16, 1994

### PLANNING STAFF RECOMMENDATION:

Mixed Use with No Underlying Land Use Designation  
With a Neighborhood Business District Overlay

Approved by:

Date:

### PLANNING COMMISSION RECOMMENDATION:

### CITY COUNCIL ACTION:

---

**CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:**

- None Received.

---

**GENERAL CORRESPONDENCE:**

- None Received.
- 

**ANALYSIS AND RECOMMENDATIONS:****PROJECT DESCRIPTION**

This is a City initiated General Plan amendment to change the *San Jose 2020 General Plan* Land Use/Transportation Diagram to add a Neighborhood Business District (NBD) overlay designation on a 14.2-acre site located on both sides of 13<sup>th</sup> Street between Jackson and Hedding Streets. The existing land use designation of Mixed Use with No Underlying Land Use Designation is not proposed to change. Rather, the addition of the NBD overlay is intended to strengthen the mixed-use residential and business corridor along 13<sup>th</sup> Street by acknowledging the neighborhood commercial-serving area and making it eligible for policy benefits and flexibility inherent in the NBD designation. In addition, staff is recommending a text amendment to the Neighborhood Business District designation to delete the reference to Planned Development Zonings when utilizing the Discretionary Alternate Use Policies to allow mixed-use development in an NBD, and to require new development to conform to City Council adopted design guidelines.

**BACKGROUND****Site and Surrounding Uses**

The amendment site is located on the east and west sides of 13<sup>th</sup> Street, between Jackson and Hedding Streets. The existing uses on the site include commercial, light industrial, residential and two-story mixed-use buildings. In general, the uses along the project site are predominately commercial, however, industrial and residential uses disrupt the commercial frontage. Industrial uses are primarily auto related, such as auto repair shops. Uses surrounding the site include single-family residences to the south, east and west, commercial and light industrial uses to the north, and single-family residences, a church and Backesto Park to the south.

The General Plan land use designations surrounding the site generally reflect the existing land uses, and include Public/Quasi-Public and Public Park/Open Space to the south, and Medium Low Density Residential (8 DU/AC) to the north, south, east and west. There is a small area of Light Industrial to the west of the project site at Mission Street, and a large area designated Heavy Industrial on the west side of Oakland Road to the north of the site. The corner of Hedding and 12<sup>th</sup> Streets, just to the west of the project site, is designated Neighborhood/Community Commercial, and the corner of Oakland Road and Hedding Street, to the north, is designated General Commercial. There is a High Density Residential (25-50 DU/AC) designation for a small area to the east of the project site at Taylor Street, and for the Modern Ice Property

along Oakland Road just to the north. The Land Use/Transportation Diagram identifies 13<sup>th</sup> Street as a Major Collector, bringing traffic to and from the Downtown Core.

The subject site along 13<sup>th</sup> Street was the subject of a 1998 General Plan Amendment (GP98-3-7), which changed the land use designation from General Commercial to Mixed Use with No Underlying Land Use Designation. The primary intent of the City Council initiated amendment was to allow future residential development in conjunction with existing and/or planned neighborhood oriented commercial uses. The Mixed Use with No Underlying Land Use Designation is flexible, but does require a specified mix of uses, with no use occupying less than 10% of the site or total building square footage proposed.

In addition, the site was included in a larger City Council Initiated Rezoning in 1993, which resulted in the rezoning of the project area from M-1 Manufacturing District to C-2 Commercial District. Given the proximity of the residential uses to the east and west of 13<sup>th</sup> Street, commercial uses were deemed more appropriate than manufacturing along this business corridor. This was especially significant since the corridor was already substantially commercial, and commercial uses have the potential for providing valuable services, neighborhood focus and compatibility for the surrounding residences. Also, the C-2 Commercial District did not require buildings to be set back from the front property line, but did require a rear setback of 25 feet from the adjacent residences. The February 2001 update of the Zoning Ordinance automatically changed the C-2 Commercial District designation to CN Commercial Neighborhood.

A rezoning to CP Commercial Pedestrian for the 14.2-acre site following the adoption of the proposed amendment is needed to reflect the existing character of the site, and to utilize appropriate development standards. CN Commercial Neighborhood requires a 15-foot minimum front setback, whereas the CP Commercial Pedestrian does not. Many of the existing buildings front directly onto the sidewalk with no setback, which is typical of neighborhood business districts and is encouraged for new development to strengthen the pedestrian scale of the area.

### **Thirteenth Street SNI Area**

The amendment site is located within the Thirteenth Street Strong Neighborhoods Initiative (SNI) area. The Thirteenth Street area is generally bounded by U.S.-101 on the north, Coyote Creek on the east, San Fernando and East Santa Clara Streets on the south, and an area varying between North First Street and North 10<sup>th</sup> Street on the west. The area is primarily residential with a mixture of single-family homes, duplexes, and multi-family dwellings, with single-family homes dominating the area. There are also areas of light industrial and small commercial businesses scattered throughout the neighborhood. While there are several small commercial nodes in this SNI area, the primary business corridors are 13<sup>th</sup> and East Santa Clara Streets. East Santa Clara Street is currently designated as a Neighborhood Business District.

The *Thirteenth Street Neighborhood Improvement Plan* documents the community's objectives and priorities, and specifically identifies 13<sup>th</sup> Street between Hedding and Jackson Streets as a very high priority for conversion to a mixed-use neighborhood-serving "Main Street". The vision for this mixed-use neighborhood business corridor includes higher intensity residential development combined with ground floor local-serving commercial retail uses. Two of the "Top Ten" priority improvement projects for the Thirteenth Street SNI area relate directly to the 13<sup>th</sup> Street business corridor; one of them includes the recommendation that the City establish a Neighborhood Business District in the business corridor. The second improvement project focuses on streetscape improvements along the business corridor. The proposed General Plan Amendment is the first step in implementing these priorities.

The SNI plan recognizes the importance of the 13<sup>th</sup> Street business corridor for the neighborhood, which with appropriate economic and physical revitalization and redevelopment can be transformed into a new, mixed-use “town center.”

## **ANALYSIS**

### **Land Use Compatibility**

The existing Mixed Use with No Underlying Land Use Designation would not be impacted by the proposed addition of the Neighborhood Business District (NBD) overlay. Currently, there is a mix of commercial and non-commercial uses along the amendment site. Existing uses would continue to operate, and any new development proposed in the subject area could be implemented as either commercial or mixed-use projects.

### **Policy Consistency**

The proposed Amendment to add the NBD overlay is consistent with the current land use designation. The NBD designation supports residential and commercial uses as permitted by the Mixed Use with No Underlying Land Use designation.

### **Neighborhood Business District**

Neighborhood Business Districts are defined in the General Plan as commercial areas which function in their neighborhoods or communities as central business districts, providing community focus and identity through the delivery of goods and services. The designation recognizes a variety of commercial and non-commercial uses that contribute to a neighborhood’s identity by serving as a focus for neighborhood activity. Some characteristics of a “Main Street” currently exist on 13<sup>th</sup> Street, including areas of continuous storefronts with no setback from the sidewalks.

13<sup>th</sup> Street was one of eight older commercial areas analyzed for NBD designation in the *Citywide Economic Analysis of Neighborhood-Serving Commercial Areas* study prepared by the City of San Jose Redevelopment Agency in 1989. While the 13<sup>th</sup> Street business corridor was not selected at that time for the NBD designation, the analysis recognized its area benefit and economic potential, and recommended that the area be reviewed in later years to assess market changes that could make the business corridor eligible for the NBD overlay. At this time, the Redevelopment Agency supports the NBD designation for the project site.

### **Text Amendment**

The associated text amendment proposes two changes. The first would delete the reference in the NBD designation to Planned Development Zonings related to Discretionary Alternate Use Policies because the Discretionary Alternate Use Policies themselves specify when a Planned Development Zoning is required. Therefore, this reference is not needed in the NBD designation description.

The second text amendment would require new development in NBDs to conform to any and all adopted design guidelines rather than only NBD design guidelines. When the original Neighborhood Business Districts were established, design guidelines specific to each NBD were adopted. Since then, the City Council has adopted the *Residential Design Guidelines*, the *Commercial Design Guidelines* and various specific plans that should also be utilized when reviewing new development in NBDs. In addition, several

recently approved Strong Neighborhood Initiative Improvement Plans provide design recommendations and/or strategies for developing specific guidelines for NBDs in the redevelopment area.

### **Environmental Issues**

The environmental impacts of this project were addressed by a Final Environmental Impact Report (EIR) entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No. 65459 on August 16, 1994. It has been determined that no new significant impacts would occur from the proposed amendment.

### **PUBLIC OUTREACH**

The property owners within the project boundaries and/or property owners within a 1000-foot radius were sent a newsletter regarding the two community meetings that were held on February 24 and 26, 2003. They also received a hearing notice of the public hearings to be held on the subject amendment before the Planning Commission in March and City Council in April. The proposed amendment was also presented to the 13<sup>th</sup> Street Neighborhood Business Association (NBA) at its January 24 and February 27, 2003 meetings. Further, the amendment was presented at the 13<sup>th</sup> Street Neighborhood Advisory Committee (NAC) on January 16, 2003. In addition, the Department's web-site contains information regarding the General Plan process, amendments, staff reports, and hearing schedule. This site is used by the community to keep informed of the status of the amendments.

The 13<sup>th</sup> Street NBA and NAC are in support of the proposed amendment. No opposition to or concerns about the amendment have been expressed to staff.

### **RECOMMENDATION**

Planning staff recommends Mixed Use with No Underlying Land Use Designation with a Neighborhood Business District Overlay on the 14.2-acre site, and associated text changes to the General Plan Neighborhood Business District designation.

Attachments

## **PROPOSED TEXT AMENDMENT**

Amend Chapter V. Land Use/Transportation Diagram; Land Use Diagram; Neighborhood Business District, page 205 and 206 as follows:

### **Neighborhood Business District**

This designation applies to ~~strip~~ commercial areas along both sides of a street, which function in their neighborhoods or communities as central business districts, providing community focus and identity through the delivery of goods and services. In addition, Neighborhood Business Districts may include adjacent non-commercial land uses.

The Neighborhood Business District designation functions as an “overlay” designation which is applied to predominantly commercial land use designations. The purpose of the overlay is to recognize the variety of commercial and non-commercial uses which contribute to neighborhood identity by serving as a focus for neighborhood activity. The overlay designation facilitates the implementation of a neighborhood Business District (NBD) Program by identifying target areas. The NBD Program seeks to preserve, enhance, and revitalize San Jose’s older neighborhood serving commercial areas through the coordination of public and private improvements, such as streetscape beautification, ~~fa~~ade upgrading, business organization activities, business development, and promotional events. There are two types of commercial areas to which the NBD overlay designation is applied:

- 1) Older commercial areas which traditional “Main Street” characteristics also known as sidewalk strip; and,
- 2) commercial areas characterized by neighborhood serving strip development. In both types of NBDs, a minor portion of the area may be occupied by land uses which are neither commercial nor residential but contribute to the overall identity and character of the street or center.

The first type of area to which the NBD overlay designation is applied is that which is predominantly of a Main Street design, where buildings are connected to each other, form a continuous street ~~fa~~ade, and have no setback from the sidewalk. Examples of such “Main Street” areas include Lincoln Avenue between Coe and Minnesota Avenues and Jackson Street between 4<sup>th</sup> and 6<sup>th</sup> Streets. This type of building relationship creates a pedestrian oriented environment. In these “Main Street” areas, off-street parking should be located so as to minimize vehicle/pedestrian conflicts and to permit a continuous street frontage of storefronts.

Within this designation, residential and commercial uses, together with related parking facilities, are seen to be complementary uses, although commercial uses oriented to occupants of vehicles, such as drive-up service windows, are discouraged along major thoroughfares within NBD areas. In the “Main Street” areas cited above, however, residential uses may be allowed pursuant to the Discretionary Alternate Use Policies ~~only under Planned Development zoning and~~ only in a mixed use configuration with pedestrian oriented commercial uses occupying the ground floor.

Where the NBD overlay designation is applied to commercial strip development three primary types of design characteristics may be found: 1) Parking Lot Strip – composed of a series of buildings of varying sizes and types with setbacks on several sides or all four sides and parking typically located in front of the building; 2) Neighborhood Center – typified by one or two anchor stores and a series of smaller stores in one complex; and, 3) a combination of commercial development types whether they be Parking Lot Strip, Neighborhood Center or Main Street. In commercial strip areas it is not unusual to encounter a combination of commercial development types with varying design components.

In areas designated with the Neighborhood Business District overlay, any new development or redevelopment must conform to both the underlying land use designation and the overlay designation. Such development must also conform to the design guidelines adopted by the City for each Neighborhood Business District.